APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/277,771	03/29/99	DYKES F	27137.010200

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GREENBERG-TRAURIG
1750 TYSONS BOULEVARD, 12TH FLOOR
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EXAMINER
GARG, Y

ART UNIT	PAPER NUMBER
2164	

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	09/277,771	DYKES ET AL.
	Examiner	Art Unit
	Yogesh C Garg	2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _29 March 1999_ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-13_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-13_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _29 March 1999_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)	18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) ☐ Notice of Informal Patent Application (PTO-152)
17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .	20) ☐ Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 01-01)   Office Action Summary   Part of Paper No. 2

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2   Claims 1-4 and 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Tengel et al., U S Patent No. 5,940,812 filed 08/19/1997, hereinafter Tengel.

3   Per claim 1 Tengel discloses an automated system for collecting and

disseminating loan information over a network connection, comprising:

means (col.4 line 46- "Referring to Fig.1, a **loan origination apparatus** of the

present invention) for receiving loan data comprising daily loan data from lenders and

for storing said loan data in a database (col.7 lines 39-43, " Referring back to the

flowchart of Fig.2, the operation of the loan origination-------storing into the **database**

110 respective loan attributes for each offered loan----the potential borrower -step

204-". See Table of loan attributes in Fig.4. Also refer to col.8 lines 22-27, "The lender

ensures that such loan attributes and loan acceptance criteria are stored in the

database 110-------In addition, the lender may periodically update the respective loan

attributes and the respective loan acceptance criteria as stored in the database 110 for

any offered loan"). The loan attributes, as listed in the table, ref.Fig.4 are interest rate,

margin, origination fee etc, vary from day to day. The origination fee is same as "points".

Means (**loan origination apparatus** as stated above) for providing to a user

(col.4 lines 53-64, " The loan origination apparatus typically includes a plurality of

consumer terminals-------Each consumer terminal is located with a potential borrower---

----- Alternatively, a consumer terminal may be located with a consumer service

representative--- **the global telecommunications network**), over said network

connection, a list of possible loan criteria (col.5 lines 14-19- "This operation includes

storing into the database 110 **a respective loan acceptance criteria** for any offered

loan that is potentially available to a -step 202-);

Means (**loan origination apparatus** as stated above) for receiving, over said

network connection, a user's application loan criteria selected from said list of possible

loan criteria (col.8 lines 32-65, specifically refer to lines 32-40, "Referring back to Fig.2,

a potential borrower in search of loan enters a first portion of borrower attributes via a

consumer terminal-step 206---------When the global telecommunications network 108 is

the internet, the borrower may download to a consumer terminal a web- page that

includes a borrower loan application form 500 of fig.5.);

Means (**loan origination apparatus** as stated above) for using said applicable

loan criteria and said loan data to create a list of loan adjustments (Steps 210, 212, and

214 Fig. 2A and col.9 lines 29-35, " **A set of all available loans** is determined by

comparing the borrower attributes against all loan acceptance criteria stored in

database 110------------A first ranking of best loans is determined for each individual

loan attribute –step 212);

Means (**loan origination apparatus** as stated above) for transmitting to said

user over said network connection a quoted interest rate and said list of loan

adjustments (Step 216, Fig. 2B "Display the rankings of best loans to the potential

borrower via the global telecommunications network". Refer Fig. 6 –Ranking of best

available loans-display information about interest rates, origination fee-points, etc.,).

4.   Claim 6, a method utilizing the means stated in claim 1 and being identical to

claim 1, is identically rejected as above.

5.   Claims 2-3 and 8; Tengel teaches that loan data and loan adjustments comprise

of points, interest rates, caps, or margins and their adjustments (col. 7 lines 50-67, col.8

lines 1-18, Fig.4. Table of loan attributes in fig.4 displays the loan attributes like,

interest rate, origination fee, margin, etc. The table does not show caps listed but

does include "index" item 406 and "adjustment interval" item 407, which are related to

adjustable interest rate. The term "caps" is also related to adjustable interest rate and as

such it would be inherent to list caps if borrower selects adjustable interest rate. Fig.6

shows ranking of best available loans and includes all the loan attributes as mentioned

earlier. The ranking of best available loans is arrived at only after comparing the

borrower's attributes with acceptance loan criteria, as already stated above). Origination

fee is same as "points".

6.   Claims 4 and 7; Tengel teaches that the automated system further comprises

means (**loan origination apparatus** as stated above) for interactively allowing a user to

select, lock, and register a loan over said network connection (col.9 lines 60-67 and

col.10 lines 1-13, Fig.2 steps 218, 220 and 22, Fig.7. "From the rankings of best loans,

the potential borrower chooses a selected loan provided by a selected lender ------a

selected lender display 700 is shown on a consumer screen 750 of a consumer

terminal-----This information includes the lender's name--------and the loan attributes of

the selected loan---**If the potential borrower responds with a "Y" for "yes", the loan**

origination system ----**generates a loan application from the borrower attributes ---**

----**This loan application is then sent via the global telecommunications network**

to that of lender for approval".). Tengel does not use the term "lock" but locking of the

interest rates is inherent when the potential borrower selects the "best ranking loan" as

described by Tengel.

7.   Claim 9; Tengel discloses that automated system comprises of:

                 lender computer (col.4 lines 46-52, Fig.**1 lender terminal 102 and a**

second lender terminal) for creating first and second files, said first file containing

terms and conditions associated with a loan product and said second file containing

daily data describe a current rate, points, cap or margin associated with said loan

product (col.2 lines 59-67, "The respective lender terminal accepts a respective loan

acceptance criteria and respective loan attributes for each loan provided by each of the

lenders. "). Loan acceptance criteria refers to information on loan product (Fig.3A and

3B) and Loan attributes refer to daily data like, current rates, points, Fig.4, as already analyzed above.

Database (database 110, Fig.1) means for storing data from said first and second files (Steps 202 and 204, Fig.2A);

Server (server terminal 109, Fig. 1) means for using said data in said database (database 110) to interface with a user via a network connection (col.7 lines 20-22 "The loan acceptance criteria is sent from a lender terminal via the global telecommunications network and lines," and lines 50-53, " a table of loan attributes ------ ---may be displayed as a web page in a similar manner as described for form 300 of Figs. 3A and 3B).

8.   Claims 10-11, Tengel teaches that said network connection comprises an internet connection (col.5 lines 1-2, "A common example of such a global telecommunications network is **the Internet**.") and a world wide web server (col.7 lines 6-8, "The form 300 of Figs. 3A and 3B may be advantageously displayed as a web page by a **conventional web browser based on HTML**").

9.   Claim 12; being a method to use the system claimed in claim 9, is identically rejected.

10.   Claim 13, Tengel teaches the step of using said server and data in said database to interface with a user via a network connection comprises:

using said data from said database to create HTML pages and providing them to

said user over said network (col.7 lines 6-19 "The form 300 of Figs. 3A and 3B may be

advantageously displayed as a web page by a conventional web browser based on

HTML-----One of ordinary skill in web technology can really implement such a web page

form").

Receiving over said network connection user input indicating a selection of

applicable adjustment for a particular loan product (Step 222, fig.2B, "Send the loan

application via the **global telecommunications network** to the selected lender for loan

approval).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

12.   Claim 5; Tengel teaches that the said load data further comprises loan product

data which is periodically updated (col.8 lines 24-26, "In addition, the lender may

periodically update the respective loan attributes and the respective loan acceptance

criteria as stored in the database 110 for any offered loan".). Tengel fails to teach that

said loan product data remains constant from day-to-day. Official Notice is taken that

both the concept and the advantage of keeping said product data (interest rates, points,

etc.) constant from day to day are well known and expected in the art. It would have

been obvious to include the feature of keeping said loan product data constant from day

to day, as it would ensure borrower of the constancy of the interest rates, points, etc.,

on a particular day and further enable him or her to select rate of interest, points, etc.,

lock and register the loan on that day.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

US Patents:

US Patent No. 6,105,007 to Norris   US Patent No. 6,088,686 to Walker et al.

US Patent No. 5,870,721 to Norris

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Network, 3 pages, Mar 1998 [online], [retrieved on 2001-04-30], Retrieved from the

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Sindell, Kathleen, " Online lending-not business as usual" in Mortgage Banking,

Washington; vol.58, issue 11, 10 pages, Aug 1998 [online], [retrieved on 2001-04-30],

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Bank, David, "Microsoft to Open On-Line Realty, Service Today" in The Wall Street

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Anonymous, " Canadian mortgages go online: Bank of Montreal offers quick loan

approval over the Internet" in Bank Advertising News; North Palm Beach, vol.20, issue

13, 1 page, Mar 10, 1997 [online], [retrieved on 2001-04-30], Retrieved from the

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Fact Sheet (LionInc.com Network, a web site of Lion Inc. Denver, Colorado, provider of

online business-to-business products and services for the mortgage industry [online],

[retrieved on 2001-05-01], Retrieved from the Internet <URL:

http://lioninc.com/lioncorp/product1>

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yogesh C Garg whose telephone number is 703-306-

0252. The examiner can normally be reached on M-F (8:30-5:00).

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vincent Millen can be reached on 703-308-1065. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-308-1396

for regular communications and 703-308-1396 for After Final communications.

      Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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May 3, 2001